



**UNITED STATES DISTRICT COURT**  
NORTHERN DISTRICT OF ILLINOIS  
219 SOUTH DEARBORN STREET  
CHICAGO, ILLINOIS 60604

312-435-5698

**MICHAEL W. DOBBINS**  
CLERK

June 26, 2008

*COPY*

218 United States Courthouse  
201 South Vine Street  
Urbana, IL 61801

**FILED**

**JUL 3 2008**

*08cr500*

Dear Clerk:

**MICHAEL W. DOBBINS**  
**CLERK, U.S. DISTRICT COURT**  
Re: Case number 05-20054-002 US v Martez Malone  
Our case number: 08cr500 - Northern District of Illinois, Judge Gottschall

Enclosed is a certified copy of the Probation Form 22, Transfer of Jurisdiction, regarding Martez Malone, which has been accepted and assumed by this Court in the Northern District of Illinois, Eastern Division.

Please forward a certified copy of the indictment/information, judgment and docket along with the enclosed copy of this letter to the United States District Court at the above address. Your prompt attention to this matter is greatly appreciated.

Sincerely,

Michael W. Dobbins  
Clerk

by:

Ellenore Duff  
Deputy Clerk

Enclosure

**FILED**

**JUN 30 2008**

**CLERK OF THE COURT**  
**U.S. DISTRICT COURT**  
**CENTRAL DISTRICT OF ILLINOIS**

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**SEALED****E-FILED**Friday, 04 November, 2005 02:27:09 PM  
Clerk, U.S. District Court, ILCDUNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF ILLINOIS  
URBANA DIVISION

A TRUE COPY

ATTEST:

PAMELA E. ROBINSON, CLERK

BY: *K. Malone*

DEPUTY CLERK

U.S. DISTRICT COURT

CENTRAL DISTRICT OF ILLINOIS

DATE:

Case No. CR 05-200 54 6/30/08

UNITED STATES OF AMERICA, )

Plaintiff, )

vs. )

EDDIE MATHEWS, a/k/a "SKO", )  
MARTEZ MALONE, a/k/a "TEZ" )  
AND JON WALKER, )

Defendants. )

VIOLATION:

Title 18, United States Code,  
Section 371, 1344(1)(2)INDICTMENTCOUNT 1  
(CONSPIRACY)

## THE GRAND JURY CHARGES:

At all times relevant herein,

1. Bank One, N.A. was a national bank with branches in Champaign County, Illinois, in the Central District of Illinois, and elsewhere; it was insured by the Federal Deposit Insurance Corporation.

2. Bank One, Champaign, Illinois, ("Bank One") provided debit cards to all customers, and had many customers who were students at the University of Illinois, Urbana-Champaign, Illinois, ("U of I") and at Parkland College, Champaign, Illinois, ("Parkland College"). Bank One debit cards were effective at any ATM machine owned by any financial institution. Customers could make ATM deposits, withdrawals, obtain cash and make an account inquiry to determine account balance and amount of funds available for use. Debit cards might also be used for purchases. If merchant policy

**FILED**

NOV - 3 2005

JOHN M. WATERS, Clerk  
U.S. DISTRICT COURT  
CENTRAL DISTRICT OF ILLINOIS

allowed, a store customer could obtain cash back with a debit card purchase.

3. A financial institution has the authority to hold a deposited check and to credit an account only after the deposited check clears. With deposits made at Bank One ATM's by Bank One customers, Bank One provided immediate credit to the Bank One account of deposit. Thus, account deposits could be made and credited after banking hours at Bank One ATM's and a customer could gain access to the funds outside banking hours.

4. To access an account by means of the ATM machine, Bank One customers had both an ATM card and a four-digit PIN number unique to that ATM card. A camera at each ATM location recorded ATM transactions, often capturing the depositor on film.

#### CONSPIRACY TO DEFRAUD BANK ONE

5. From approximately November, 2003 through at least May, 2004,

**EDDIE MATHEWS, a/k/a SKO,  
MARTEZ MALONE, a/k/a TEZ, and  
JON WALKER,**

defendants named herein, did unlawfully, willfully, and knowingly combine, conspire, confederate and agree together and with persons both known and unknown to the grand jury, to execute a scheme or artifice to defraud Bank One, in the Central District of Illinois and elsewhere, and to obtain Bank One money and funds in the approximate amount of \$60,000, by means of false and fraudulent pretenses, representations and promises.

### MANNER AND MEANS

6. The defendants, and others at the defendants' direction, obtained Bank One ATM debit cards and PIN numbers from Bank One customers in Champaign, Illinois and Urbana, Illinois and elsewhere in Illinois; they assured bank customers that anyone who cooperated would obtain a "fee" for providing the ATM debit card and debit card PIN to the defendants.

7. Using the Bank One ATM debit cards in both Champaign, Illinois and Urbana, Illinois, and elsewhere in the State of Illinois, the defendants made insufficient fund check deposits or caused insufficient fund checks to be deposited to Bank One accounts. Such deposits caused the accounts to which the deposits were directed, to falsely reflect an inflated balance, which balance was temporarily available to anyone with the ATM account debit card and PIN number, until and unless the financial institution recognized that the fund balance had been fraudulently inflated.

8. After making or causing deposit of insufficient fund checks, and using the ATM debit cards and PIN numbers acquired from account owners, the defendants obtained access to funds so deposited or caused others to gain access to funds so deposited. The defendants or others assisting the defendants:

A. Used fraudulently inflated account balances to make or cause purchases to be made, and the funds for such purchases debited from Bank One accounts;

B. Used fraudulently inflated account balances to make purchases and receive cash back at the time of purchase;

C. Withdrew funds from accounts with fraudulently inflated account balances.

D. Initiated account inquiries to determine that insufficient fund checks had been credited to the accounts to which they had been directed, or to check account balances.

#### OVERT ACTS

9. On or about the dates set forth below, in execution of the conspiracy set forth and to effect its ends, one or more of the following overt acts occurred:

	Date: on or about	Time	Location	Acct. Owner	Activity
A.	04/06/04	13:07	405 N. Broadway Urbana, IL	645326026 A.S.	\$2,800 Deposit
B.	04/07/04	0:49	405 N. Broadway Urbana, IL	645326026 A.S.	\$200 ATM W/D
C.	04/07/04	8:36	405 N. Broadway Urbana, IL	645326026 A.S.	\$200 ATM W/D
D.	04/07/04	13:47	6650 S. Stony Island Ave. Chicago, IL	649059375 J.G.	\$3330 Deposit
E.	04/07/04	13:32	1204 E. 53 <sup>rd</sup> St. Chicago, IL	652160656 T.H.	\$3,250 Deposit
F.	04/08/04	16:06	18601 Torrence Ave. Lansing, IL	652160656 T.H.	\$2,800 Deposit

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G.	04/09/04 08:37	Walgreen's, Champaign, IL	652160656 T.H.	\$128.05 Purchase Cash Back
H.	04/09/04 08:40	407 E. Green St. Champaign, IL	652160656 T.H.	Account Inquiry
I.	04/09/04 08:57	Walgreen's, Champaign, IL	652160656 T.H.	\$121.49 Purchase Cash Back
J.	04/09/04 09:28	Walgreen's, Champaign, IL	652160656 T.H.	\$110.75 Purchase Cash Back
K.	04/09/04 09:28	Walgreen's Champaign, IL	649059375 J.G.	\$110.46 Purchase Cash Back
L.	04/09/04 09:54	Walgreen's Urbana, IL	652160656 T.H.	\$109.58 Purchase Cash Back
M.	04/09/04 09:56	Walgreens Urbana, IL	649059375 J.G.	\$112.88 Purchase Cash Back
N.	04/09/04 10:28	Walgreen's Urbana, IL	652160656 T.H.	\$117.94 Purchase Cash Back
O.	04/09/04 10:32	Walgreen's Urbana, IL	652160656 T.H.	\$110.74 Purchase Cash Back
P.	04/09/04 10:36	Walgreen's Urbana, IL	649059375 J.G.	\$116.11 Purchase Cash Back
Q.	04/09/04 13:34	County Market Urbana, IL	649059375 J.G.	\$54.18 Purchase Cash Back
R.	04/09/04 15:27	Target Champaign, IL	649059375 J.G.	\$45.04 Purchase Cash Back
S.	04/09/04 16:55	Exxonmobile Urbana, IL	649059375 J.G.	\$53.69 Purchase Cash Back

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T.	04/09/04 16:57	Walgreen's, Champaign, IL	652160656 T.H.	\$103.21 Purchase Cash Back
U.	04/09/04 17:02	Walgreen's Champaign, IL	652160656 T.H.	\$108.43 Purchase Cash Back
V.	04/09/04 17:21	Exxonmobile Urbana, IL	649059375 J.G.	\$52.31 Purchase Cash Back
W.	04/23/04 0:33	201 W. University Champaign, IL	654536598 K.B.	\$400 Attempted W/D
X.	04/23/04 13:19	6650 S. Stony Island Chicago, IL	654536598 K.B.	\$3100 Deposit
Y.	04/23/04 12:55	1910 E. 95 <sup>th</sup> St. Chicago, IL	645811571 P.J.J.	\$3,600 Deposit
Z.	04/23/04 13:14	6650 S. Stony Island Chicago, IL	1110029346791 M.J.	\$4,200 Deposit
AA.	04/24/04 0:20	405 N. Broadway Urbana, IL	645811571 P.J.J.	\$400 NSF Attempt W/D
BB.	04/24/04 0:21	405 N. Broadway Urbana, IL	645811571 P.J.J.	Account Inquiry
CC.	04/24/04 0:24	405 N. Broadway Urbana, IL	1110029346791 M.J.	\$500 ATM W/D
DD.	04/26/04 02:40	1910 E. 95 <sup>th</sup> Street Chicago, IL	1110029346791 M.J.	\$3600 Deposit

In violation of Title 18, United States Code, Section 371.

**COUNTS 2 THROUGH 16**  
**(BANK FRAUD)**

**THE GRAND JURY FURTHER CHARGES:**

1. Paragraphs 1 through 4 of Count 1 are incorporated by reference herein.
5. Between approximately December, 2003 and continuing to approximately

May 14, 2004,

**EDDIE MATHEWS, a/k/a SKO,  
MARTEZ MALONE, a/k/a TEZ, and  
JON WALKER,**

defendants herein, knowingly executed a scheme to defraud and to obtain money and funds amounting to approximately \$60,000 from Bank One, by means of false and fraudulent pretenses, representations, and promises. The scheme was as follows: in order to falsely and fraudulently inflate Bank One customer accounts to which the defendants had gained access with Bank One ATM cards and pin numbers not their own, the defendants deposited or caused insufficient fund checks to be deposited to those same Bank One customer accounts; to determine that the insufficient fund checks amounts had been credited to the accounts to which directed, the defendants also made or caused account balance inquiries to be made. The scheme included, but was not limited to deposit of the following insufficient fund checks and to the following account balance inquiries:

A. 04/06/04 13:07	405 N. Broadway Urbana, IL	645326026 A.S.	\$2800 Deposit
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B. 04/07/04 13:47	6650 S. Stony Island Ave. Chicago, IL	649059375 J.G.	\$3330 Deposit
C. 04/09/04 08:40	407 E. Green St. Champaign, IL	652160656 T.H.	Account Inquiry
D. 04/23/04 13:19	6650 S. Stony Island Chicago, IL	654536598 K.B.	\$3100 Deposit
E. 04/24/04 0:21	405 N. Broadway Urbana, IL	645811571 P.J.J.	Account Inquiry
F. 04/26/04 13:40	1910 E. 95 <sup>th</sup> Street Chicago, IL	1110029346791 M.J.	\$3600 Deposit

**EXECUTIONS,  
COUNTS 2 THROUGH 16**

6. To execute the scheme set forth above and before Bank One or any of the legitimate account holders became aware of insufficient fund deposits, the defendants gained access or caused access to be gained to both legitimate account funds over which Bank One customers had legitimate authority and to funds which the defendants had caused to fraudulently appear to have been deposited. The executions, each of which was a separate and independent act:

Count	Date : on or about	Location	Account /Owner	Execution
2.	04/07/04 0:49	405 N. Broadway Urbana	645326026 A.S.	\$200 ATM W/D
3.	04/07/04 8:36	405 N. Broadway Urbana, IL	645326026 A.S.	\$200 ATM Withdrawal
4.	04/09/04 8:37	Walgreen's Champaign, IL	652160656 T.H.	\$128.05 Purchase Cash Back

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5.	04/09/04	8:57	Walgreen's Champaign, IL	652160656 T.H.	\$121.49 Purchase Cash Back
6.	04/09/04	9:28	Walgreen's, Champaign, IL	649059375 J.G.	\$110.46 Purchase Cash Back
7.	04/09/04	9:28	Walgreen's Champaign, IL	652160656 T.H.	\$110.75 Purchase Cash Back
8.	04/09/04	9:54	Walgreen's Urbana, IL	652160656 T.H.	\$109.58 Purchase Cash Back
9.	04/09/04	9:56	Walgreen's Urbana, IL	649059375 J.G.	\$112.88 Purchase Cash Back
10.	04/09/04	10:28	Walgreen's Urbana, IL	652160656 T.H.	\$117.94 Purchase Cash Back
11.	04/09/04	10:32	Walgreen's Urbana	652160656 T.H.	\$110.74 Purchase Cash Back
12.	04/09/04	10:36	Walgreens Urbana, IL	649059375 J.G.	\$116.11 Cash Back
13.	04/09/04	13:34	County Market, Urbana, IL	649059375 J.G.	\$54.18 Card Purchase cash back
14.	04/09/04	15:57	Target Champaign, IL	649059375 J.G.	\$45.04 Purchase Cash Back
15.	04/09/04	16:55	Exxonmobile Urbana, IL	649059375 J.G.	\$53.69 Cash Back
16.	04/09/04	16:57	Walgreen's Champaign	652160656 T.H.	\$103.21 Purchase Cash Back
17.	04/09/04	17:02	Walgreen's Champaign	652160656 T.H.	\$108.43 Purchase Cash Back
18.	04/09/04	17:21	Exxonmobile Urbana, IL	649059375 J.G.	\$52.31 Purchase Cash Back

2:05-cr-20054-MPM-DGB # 1 Page 10 of 10

19. 04/23/04	0:33	201 W. University Champaign, IL	654536598 K.B.	\$400 NSF Attempt Withdrawal
20. 04/24/04	0:20	405 N. Broadway Urbana	645811571 P.J.J.	\$400 NSF Attempt Withdrawal
21. 04/24.04	0:24	405 N. Broadway Urbana	1110029346791 P.J.J.	\$500 ATM W/D

In violation of Title 18, United States Code, Section 1344(1)(2).

A TRUE BILL

/s/ Foreperson  
FOREPERSON

/s/ Patrick J. Chesley for  
JAN PAUL MILLER  
United States Attorney

HWF

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AO 245B (Rev. 12/03) Judgment in a Criminal Case  
Sheet 1E-FILED  
Thursday, 21 September, 2006 04:21:54 PM

Clerk, U.S. District Court, ILCD

## UNITED STATES DISTRICT COURT

Central

District of

Illinois

UNITED STATES OF AMERICA

## JUDGMENT IN A CRIMINAL CASE

V.

MARTEZ MALONE (A/K/A "TEZ")

Case Number: 05-20054-002

USM Number: 14353-026

Thomas A. Bruno

Defendant's Attorney

## THE DEFENDANT:

☒ pleaded guilty to count(s) 1☐ pleaded nolo contendere to count(s) \_\_\_\_\_  
which was accepted by the court.☐ was found guilty on count(s) \_\_\_\_\_  
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 USC § 371	Conspiracy to Defraud Bank One	5/31/2004	1

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) \_\_\_\_\_☒ Count(s) 2-21 ☐ is ☒ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

9/18/2006

Date of Imposition of Judgment

s/ Michael P. McCuskey

Signature of Judge

MICHAEL P. McCUSKEY

Chief U.S. District Judge

Name and Title of Judge

9/21/2006

Date

A TRUE COPY

ATTEST

PAMELA E. ROBINSON, CLERK

BY: *[Signature]*

DEPUTY CLERK

U.S. DISTRICT COURT

CENTRAL DISTRICT OF ILLINOIS

DATE: 6/30/08

2:05-cr-20054-MPM-DGB # 46 Page 2 of 6

AO 245B (Rev. 12/03) Judgment in Criminal Case  
Sheet 2 — ImprisonmentJudgment — Page 2 of 6DEFENDANT: MARTEZ MALONE (A/K/A "TEZ")  
CASE NUMBER: 05-20054-002**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

24 months.

☒ The court makes the following recommendations to the Bureau of Prisons:

1) The Court finds the defendant is not a risk of flight and not a danger to others, and the Court directs the Bureau of Prisons to house defendant in a camp or minimum security facility. 2) Due to extensive family ties, the Court recommends to the Bureau of Prisons that the defendant be housed in the Midwest for visitation. 3) The Court finds the defendant is an addict and, therefore, recommends to the Bureau of Prisons that the defendant receive intensive and comprehensive drug and alcohol rehabilitation while in the Bureau of Prisons.

☐ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at \_\_\_\_\_ ☐ a.m. ☐ p.m. on \_\_\_\_\_

☐ as notified by the United States Marshal.

☒ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☒ before 2 p.m. on 10/20/2006

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

**RETURN**

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_

a \_\_\_\_\_, with a certified copy of this judgment.

UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

2:05-cr-20054-MPM-DGB # 46 Page 3 of 6

AO 245B (Rev. 12/03) Judgment in a Criminal Case  
Sheet 3 — Supervised ReleaseJudgment—Page 3 of 6

DEFENDANT: MARTEZ MALONE (A/K/A "TEZ")

CASE NUMBER: 05-20054-002

**SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

three (3) years.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

**STANDARD CONDITIONS OF SUPERVISION**

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from ☐ excessive ☒ any use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: MARTEZ MALONE (A/K/A "TEZ")

CASE NUMBER: 05-20054-002

### **SPECIAL CONDITIONS OF SUPERVISION**

1. You shall not incur any new debts or open any additional lines of credit in excess of \$300 without prior approval of the probation officer.
2. You shall provide the probation officer access to any requested financial information including both your business and personal income tax returns.
3. You shall refrain from any use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance, or any paraphernalia related to any controlled substance, except as prescribed by a physician. You shall, at the direction of the probation office, participate in a program for substance abuse treatment, including testing to determine whether you have used controlled substances and/or alcohol. You shall pay for these services as directed by the probation officer.
4. You shall participate in a program of job training or employment counseling as directed by the probation officer.
5. You shall not own, purchase, or possess a firearm, ammunition, or other dangerous weapon.
6. The defendant shall be placed in the U.S. Treasury Offset program for the interception of any tax refunds during the period of supervised release.

2:05-cr-20054-MPM-DGB # 46  
 AO 245B (Rev. 12/03) Judgment in a Criminal Case  
 Sheet 5 — Criminal Monetary Penalties

Page 5 of 6

Judgment — Page 5 of 6

DEFENDANT: MARTEZ MALONE (A/K/A "TEZ")

CASE NUMBER: 05-20054-002

**CRIMINAL MONETARY PENALTIES**

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
<b>TOTALS</b>	\$ 100.00	\$ 0.00	\$ 33,588.82

- ☐ The determination of restitution is deferred until \_\_\_\_\_. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.
- ☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Bank One (now JP Morgan Chase Bank) OHI-0612 1111 Polaris Parkway Columbus, OH 43240	\$33,588.82	\$33,588.82	

<b>TOTALS</b>	\$ <u>33,588.82</u>	\$ <u>33,588.82</u>
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- ☐ Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_
- ☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- ☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:
- ☐ the interest requirement is waived for the ☐ fine ☐ restitution.
- ☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.



DEFENDANT: MARTEZ MALONE (A/K/A "TEZ")

CASE NUMBER: 05-20054-002

**SCHEDULE OF PAYMENTS**

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A ☐ Lump sum payment of \$ \_\_\_\_\_ due immediately, balance due
- ☐ not later than \_\_\_\_\_, or
- ☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☒ Special instructions regarding the payment of criminal monetary penalties:

It is recommended that the defendant participate in the Inmate Financial Responsibility Program. During incarceration, the defendant shall make payments of either quarterly installments of a minimum of \$25, if working non-UNICOR, or a minimum of 50 percent of monthly earnings if working UNICOR. Upon release from confinement, the defendant shall make monthly payments at a rate of at least 50 percent of his disposable income per month during the entire term of supervised release.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☒ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

Restitution shall be paid jointly and severally with codefendants Eddie Mathews, case number 05-20054-001 and Jon Walker, case number 05-20054-003.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

**U.S. District Court  
CENTRAL DISTRICT OF ILLINOIS (Urbana)  
CRIMINAL DOCKET FOR CASE #: 2:05-cr-20054-MPM-DGB-2  
Internal Use Only**

Case title: USA v. Mathews et al

Date Filed: 11/03/2005

Date Terminated: 09/21/2006

Assigned to: Chief Judge Michael P.  
McCuskey  
Referred to: Magistrate Judge David G.  
Bernthal

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A TRUE COPY  
ATTEST:  
PAMELA E. ROBINSON, CLERK  
BY: *[Signature]*  
DEPUTY CLERK  
U.S. DISTRICT COURT  
CENTRAL DISTRICT OF ILLINOIS  
DATE: *6/30/08*

**Defendant (2)**

**Martez Malone**

*TERMINATED: 09/21/2006*

*also known as*

**TEZ**

*TERMINATED: 09/21/2006*

represented by **Thomas Anthony Bruno**

**THOMAS A BRUNO &**

**ASSOCIATES**

**301 W Green St**

**Urbana, IL 61801-3200**

**217-328-6000**

**Fax: 217-328-6765**

**Email: tombruno@tombruno.com**

**LEAD ATTORNEY**

**ATTORNEY TO BE NOTICED**

*Designation: CJA Appointment*

**James Kuehl**

**301 W Green**

**Urbana, IL 61801**

**217-328-6000**

**Fax: 217-328-6765**

**Email: jbkuehl@hotmail.com**

**ATTORNEY TO BE NOTICED**

*Designation: CJA Appointment*

**Pending Counts**

CONSPIRACY TO DEFRAUD THE  
UNITED STATES. From  
approximately November 2003 through  
at least May 2004 defendants did  
knowingly conspire to defraud Bank  
One in violation of 18 USC 371.

**Disposition**

It is the judgment of the Court that the  
defendant is hereby committed to the  
custody of the Bureau of Prisons for a  
term of 24 months. Upon release from  
imprisonment, the defendant shall be  
placed on supervised release for a term  
of 3 years with special conditions. The  
defendant shall pay \$33,588.82

(1)

restitution joint and several with co-defendants and \$100 special assessment.

**Highest Offense Level (Opening)**

Felony

**Terminated Counts**

BANK FRAUD. Between approximately December 2003 and continuing to approximately May 14, 2004, defendants did knowingly execute a scheme to defraud Bank One by means of false and fraudulent pretenses in violation of 18 USC 1344 (1)(2).  
(2-21)

**Disposition**

Upon motion by the Government, Counts 2-21 are dismissed.

**Highest Offense Level (Terminated)**

Felony

**Complaints**

None

**Disposition****Plaintiff**

USA

represented by **Hilary W Frooman**  
US ATTY  
618 South Sixth Street  
Springfield, IL 62701-1806  
217-492-4450  
Email: hilary.frooman@usdoj.gov  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
11/03/2005	<u>1</u>	INDICTMENT as to Eddie Mathews (1) count(s) 1, 2-21, Martez Malone (2) count(s) 1, 2-21, Jon Walker (3) count(s) 1, 2-21. (KM, ilcd) (Entered: 11/04/2005)
11/03/2005	<u>2</u>	+++ SEALED DOCUMENT. (KM, ilcd) (Entered: 11/04/2005)
12/02/2005		Case unsealed as to Eddie Mathews, Martez Malone, Jon Walker (KM, ilcd) (Entered: 12/05/2005)
12/02/2005		Arrest of Martez Malone (KM, ilcd) (Entered: 12/05/2005)

12/02/2005		Minute Entry for proceedings held 12/2/05 before Judge David G. Bernthal. Appearance for Government by AUSA Hilary Frooman. Appearance by defendant MARTEZ MALONE. Initial Appearance as to Martez Malone (02) held. Defendant advised of charges and rights, including right to counsel. Defendant requests court-appointed counsel and files financial affidavit. Court finds defendant qualifies for court-appointed counsel and will appoint counsel from the panel as the Federal Defender has been appointed to represent co-defendant. Cause called for Detention Hearing as to Martez Malone. Government does not request detention; no objections by defendant to conditions. Defendant released on \$10,000 unsecured bond with special conditions. Arraignment continued for counsel to be present to 12/16/2005 at 1:30 PM in Courtroom C before Magistrate Judge David G. Bernthal. (Tape #C316; 897-1740.)(KM, ilcd) (Entered: 12/05/2005)
12/02/2005	<u>10</u>	CJA 23 Financial Affidavit by Martez Malone (KM, ilcd) (Entered: 12/05/2005)
12/02/2005	<u>11</u>	Unsecured Bond entered as to Martez Malone in amount of \$10,000. (KM, ilcd) (Entered: 12/05/2005)
12/02/2005	<u>12</u>	ORDER Setting Conditions of Release as to Martez Malone entered by Judge David G. Bernthal on 12/2/05. (KM, ilcd) Modified on 12/16/2005 (KM, ilcd). (Entered: 12/05/2005)
12/05/2005		TEXT ORDER as to Martez Malone (2) entered by Judge David G. Bernthal on 12/5/05. Attorney Thomas Bruno has been appointed to represent defendant Martez Malone in this matter. The Clerk of Court is directed to give Attorney Bruno a copy of defendant Malone's file and an application for CM/ECF password which Attorney Bruno must complete and submit as soon as possible. Attorney Bruno will be present for the arraignment scheduled for 12/16/05 at 1:30 P.M. (KM, ilcd) (Entered: 12/05/2005)
12/16/2005		Minute Entry for proceedings held 12/16/05 before Judge David G. Bernthal. Appearance for Government by AUSA Richard Cox and AUSA Hilary Frooman. Defendant MARTEZ MALONE present in person and with counsel Thomas Anthony Bruno. Arraignment as to Martez Malone (2) Counts 1, 2-21 held. Defendant sworn; advised of charges and possible penalties. Defendant enters plea of not guilty to Indictment. Scheduling order 7 previously entered is now ordered as to Martez Malone. Pretrial Conference set for 1/18/2006 at 2:30 PM in Courtroom A before Chief Judge Michael P. McCuskey. Jury Selection and Jury Trial are set for 2/6/2006 at 9:00 AM in Courtroom A before Chief Judge Michael P. McCuskey. Defendant's bond to remain in effect. (Tape #C319; 422-780.) (KM, ilcd) (Entered: 12/16/2005)
12/27/2005	<u>19</u>	Arrest Warrant Returned Executed at Urbana, IL on 12/2/05 as to Martez Malone. (KM, ilcd) (Entered: 12/28/2005)
01/03/2006	<u>22</u>	First MOTION to Continue by Martez Malone. (Bruno, Thomas) (Entered: 01/03/2006)
01/12/2006		NOTICE OF HEARING: A hearing on the Motions to Extend Rule 12.1 Filing Deadline and Continue Pretrial and Trial Dates 21 and <u>22</u> as to

		defendants Jon Walker and Martez Malone is set for 1/18/2006 at 2:30 PM in Courtroom A before Chief Judge Michael P. McCuskey. If counsel for either defendant Malone or Walker wishes to appear by telephone for this hearing, please notify the Court prior to January 18, 2006. This case remains set for final pretrial conference as to defendant Eddie Mathews on 1/18/2006 at 2:30 PM. Defendants Mathews, Malone and Walker should appear in person at this hearing. (MB, ilcd) (Entered: 01/12/2006)
01/18/2006		Minute Entry for proceedings held 1/18/06 before Judge Michael P. McCuskey. Appearance for Government by AUSA Hilary Frooman. Defendant Martez Malone present in person and with counsel Thomas Bruno. Oral motion by defendant to withdraw <u>22</u> Motion to Continue as to Martez Malone (2); granted. Motion to Continue <u>22</u> is WITHDRAWN. Oral motion by defendant to set change of plea hearing; granted. Jury trial set for 2/06/06 is vacated as to defendant Malone. Change of Plea Hearing as to Martez Malone is set for 1/30/2006 at 10:30 AM in Courtroom A before Chief Judge Michael P. McCuskey. The Court finds by granting the continuance, the ends of justice are met pursuant to 18 USC 3161(h)(8)(A). The time from 1/18/06 to 1/30/06 is excluded as to defendant Malone. Defendant's bond to remain in effect.(Court Reporter LC.) (KM, ilcd) Modified on 1/19/2006 to add ends of justice finding (KM, ilcd). (Entered: 01/19/2006)
01/19/2006		Notice of Docket Text Modification: Minutes from hearings held 1/18/06 as to defendants Eddie Mathews and Martez Malone modified to add ends of justice finding by Judge McCuskey. (KM, ilcd) (Entered: 01/19/2006)
01/30/2006		Minute Entry for proceedings held 1/30/06 before Judge Michael P. McCuskey. Appearance for Government by AUSA Hilary Frooman. Defendant EDDIE MATHEWS present in person and with counsel James Dedman. Defendant MARTEZ MALONE present in person and with counsel Thomas Bruno. Change of Plea Hearing held as to Eddie Mathews and Martez Malone. Both defendants sworn under oath; advised of rights, charges and possible penalties. Plea entered by Eddie Mathews (1) of Guilty to Count 1 and by Martez Malone (2) of Guilty to Count 1. Counts 2-21 will be dismissed at sentencing as to defendants Mathews and Malone. Written plea agreements filed. Sentencing set for 5/25/2006 at 3:30 PM in Courtroom A before Chief Judge Michael P. McCuskey as to defendants Mathews and Malone. Cause referred to US Probation for presentence investigation reports. Bond remains in effect as to defendant Malone. Defendant Mathews remanded to custody of US Marshal. (Court Reporter LC.) (KM, ilcd) (Entered: 01/30/2006)
01/30/2006	<u>26</u>	PLEA AGREEMENT as to Martez Malone (KM, ilcd) (Entered: 01/31/2006)
02/01/2006	<u>27</u>	ORDER on Implementation of Sentencing Guidelines as to Eddie Mathews and Martez Malone entered by Judge Michael P. McCuskey on 2/1/06. (KM, ilcd) (Entered: 02/01/2006)
05/08/2006	<u>30</u>	First MOTION to Continue <i>Sentencing Hearing</i> by Martez Malone. (Kuehl, James) (Entered: 05/08/2006)

05/09/2006	<u>31</u>	First MOTION for Leave to Appear Additional counsel <i>for Martez Malone</i> Attorney: James Kuehl. by Martez Malone. (Kuehl, James) (Entered: 05/09/2006)
05/09/2006		TEXT ORDER granting <u>31</u> Motion for Leave to Appear as Additional Counsel for Martez Malone. Attorney Kuehl will be permitted to participate as counsel along with Attorney Bruno. However, both attorneys will not be permitted to receive CJA compensation for performing the same services. Entered by Judge Michael P. McCuskey on 5/9/06. (BB, ilcd) (Entered: 05/09/2006)
05/24/2006	<u>32</u>	COMMENTARIES ON SENTENCING FACTORS by USA as to Eddie Mathews, Martez Malone. (Attachments: # <u>1</u> )(Frooman, Hilary) (Entered: 05/24/2006)
05/25/2006		Minute Entry for proceedings held 5/25/06 before Judge Michael P. McCuskey. Appearance for Government by AUSA Hilary Frooman. Defendant EDDIE MATHEWS (01) present in person and with counsel James Dedman. Defendant MARTEZ MALONE (02) present in person and with counsel Thomas Bruno. Hearing held on defendant Martez Malone's <u>30</u> Motion to Continue Sentencing Hearing; no objections to motion. Motion <u>30</u> is granted. Sentencing hearing for defendant Malone is reset to 9/21/2006 at 1:00 PM. Defendant Malone's bond to remain in effect. Oral motion by defendant Eddie Mathews to continue sentencing hearing; no objections to oral motion. Oral motion is granted. Sentencing hearing for defendant Mathews is reset to 9/21/2006 at 3:00 PM. Defendant Mathews is remanded to custody of US Marshal. (Court Reporter LC) (KM, ilcd) (Entered: 05/26/2006)
05/25/2006		Set/Reset Deadlines/Hearings as to Martez Malone: Sentencing reset to 9/21/2006 at 1:00 PM in Courtroom A before Chief Judge Michael P. McCuskey. (KM, ilcd) (Entered: 05/26/2006)
07/14/2006		NOTICE OF HEARING: Due to a conflict in the Court's calendar, the sentencing hearing as to Martez Malone set for 9/21/2006 at 1:00 PM is RESET to 9/18/2006 at 1:00 PM in Courtroom A before Chief Judge Michael P. McCuskey. (MB, ilcd) (Entered: 07/14/2006)
09/15/2006	<u>35</u>	COMMENTARIES ON SENTENCING FACTORS by USA as to Eddie Mathews, Martez Malone, Jon Walker. (Frooman, Hilary) (Entered: 09/15/2006)
09/15/2006	<u>36</u>	MOTION to Seal <i>Grand Jury Statements in Support of Government Commentary</i> by USA as to Eddie Mathews, Martez Malone, Jon Walker. (Frooman, Hilary) (Entered: 09/15/2006)
09/15/2006		TEXT ORDER entered by Chief Judge Michael P. McCuskey on 9/15/06 GRANTING <u>36</u> Motion to Seal Grand Jury Statements in Support of Government Commentary. (MB, ilcd) (Entered: 09/15/2006)
09/15/2006	<u>37</u>	+++ <b>SEALED DOCUMENT.</b> Government's Grand Jury Statements in Support of Government Commentary filed under seal per text order dated 9/15/06. (KM, ilcd) Modified on 9/19/2006: Document ordered UNSEALED



		at sentencing hearing held 9/18/06 (KM, ilcd). (Entered: 09/15/2006)
09/18/2006		Minute Entry for proceedings held 9/18/06 before Chief Judge Michael P. McCuskey. Appearance for Government by AUSA Hilary Frooman. Defendant MARTEZ MALONE present in person with counsel Thomas Bruno. Sentencing held for Martez Malone (2), Count 1. Parties acknowledge receipt of presentence report; objections by defendant. Document #37, Government's Grand Jury Statements in Support of Government Commentary, is ordered unsealed. Evidence for Government. Witness sworn; testimony heard. Evidence for defendant. Witness sworn; testimony heard. Defendant's Group Exhibit 1 admitted. Recommendations by counsel heard. Statement in allocution by defendant. It is the judgment of the Court that the defendant is hereby committed to the custody of the Bureau of Prisons for a term of 24 months. Upon release from imprisonment, the defendant shall be placed on supervised release for a term of 3 years with special conditions. The defendant shall pay \$33,588.82 restitution joint and several with co-defendants and \$100 special assessment. Upon motion by the Government, Counts 2-21 are dismissed. Appeal rights previously waived. Defendant's bond to remain in effect until he self-reports as designated by the Bureau of Prisons on 10/20/06 at 2:00 P.M. (Court Reporter LC.) (KM, ilcd) (Entered: 09/19/2006)
09/18/2006	<u>38</u>	EXHIBIT LIST from sentencing hearing as to Martez Malone (02). Exhibits stored in vault. (KM, ilcd) (Entered: 09/19/2006)
09/18/2006	<u>39</u>	+++ PRESENTENCE INVESTIGATION REPORT as to Martez Malone (KM, ilcd) (SKD, ilcd). (Entered: 09/19/2006)
09/18/2006	<u>40</u>	+++ SENTENCING RECOMMENDATION as to Martez Malone. (KM, ilcd) (SKD, ilcd). (Entered: 09/19/2006)
09/21/2006	<u>46</u>	JUDGMENT as to Martez Malone (2), Count 1 entered by Chief Judge Michael P. McCuskey on 9/21/06. (KM, ilcd) Modified on 9/25/2006 to correct clerical error (KM, ilcd). (Entered: 09/21/2006)
09/21/2006	<u>47</u>	+++ STATEMENT OF REASONS FOR IMPOSING SENTENCE as to Martez Malone (KM, ilcd) (Entered: 09/21/2006)
09/10/2007	<u>55</u>	Judgment Returned Executed as to Martez Malone on 10/20/06. Defendant delivered to Federal Prison Camp, Leavenworth, KS. (VB, ilcd) (Entered: 09/10/2007)